

Rules of
Department of Social Services
Division 30—Child Support Enforcement
Chapter 5—Determining Child Support Obligation

Title	Page
13 CSR 30-5.010 Child Support Obligation Guidelines.....	3
13 CSR 30-5.020 Review and Modification of Child Support Orders.....	11

**Title 13—DEPARTMENT OF
SOCIAL SERVICES**

**Division 30—Child Support Enforcement
Chapter 5—Determining Child
Support Obligation**

**13 CSR 30-5.010 Child Support Obligation
Guidelines**

PURPOSE: This rule specifies guidelines for the Division of Child Support Enforcement's use in determining support amounts when establishing or modifying child support obligations.

(1) General Provisions.

(A) Definitions. As used in this rule—

1. Director means the director of the Division of Child Support Enforcement or his/her designee; and

2. Gross income means income from any source, except as excluded as follows, and includes, but is not limited to, income from salaries, wages, overtime compensation, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, Social Security benefits, retirement benefits, Workers' Compensation benefits, unemployment compensation benefits, disability insurance benefits and spousal support actually received from a person not a party to the order. For income from rent, royalties, self-employment, proprietorship of a business or joint ownership of a partnership or closely held corporation, gross income means gross receipts minus ordinary and necessary expenses required to produce that income, not including amounts allowable by the Internal Revenue Service for the accelerated component of depreciation expenses or investment tax credits. For individuals who are unemployed or underemployed, child support may be calculated in appropriate circumstances based on a determination of potential income, except the director shall not impute income to a custodial parent if the noncustodial parent's monthly gross income is seven hundred dollars (\$700) or less. To determine potential income, the director may consider employment potential and probable earnings level based on the parent's recent work history, occupational qualifications, prevailing job opportunities in the community and whether that parent is custodian of a child whose condition or circumstances make it appropriate that the custodian not be required to seek employment outside the home. Gross income does not include child support received for other children or benefits received from means-tested public assistance programs, including, but not limited to, Aid to Families with Dependent Children

(AFDC) benefits, Medicaid benefits, Supplemental Security Income benefits, Food Stamps and General Assistance benefits.

(2) Child Support Guideline. When the director is seeking to establish a current child support obligation under sections 454.460—454.510, RSMo, the director shall—

(A) Determine from a reliable source the custodial and noncustodial parents' gross monthly incomes. Reliable sources include, but are not limited to, income statements the parents have prepared themselves, information contained in the records of other state and federal agencies, tax returns and pay stubs or other reports from the parents' employers;

(B) Adjust the gross income if the parent is providing custodial care to his/her natural or adopted child(ren) not subject to the order, by reducing his/her gross income by the amount of child support s/he would be ordered to pay under this rule for the number of children in his/her custody. However, the director shall make no such adjustment to the parental income—

1. In a modification review pursuant to 13 CSR 30-5.020 for any parent who requested the review unless paragraph (3)(B)9. of this rule applies; or

2. If a child support order exists for the other child(ren);

(C) Adjust the gross income of a parent who has been ordered to pay child and spousal support or child or spousal support for the child(ren) not the subject of the instant proceeding and who actually is complying with the order(s). The adjustment will be limited to the amount of current support contained in the preexisting order;

(D) Determine the preliminary child support obligation of the two (2) parents by combining their adjusted gross incomes and referring to Table I. For combined income amounts falling between the fifty-dollar (\$50) increments in the table, the income will be rounded down to the nearest fifty-dollar (\$50) increment for amounts at the midpoint between the increments or below, or rounded up to the next fifty-dollar (\$50) increment for amounts one cent (\$.01) above the midpoint between the increments or higher. For each additional child beyond the six (6) children for whom child support is computed in Table I, add the dollar difference between the amounts listed in the columns for five (5) and six (6) children in the appropriate combined income row to the obligation amount in the column for six (6) children. The number of children used in determining the obligation will include only those children for whom the parents share a joint legal duty of support and

for whom support is being sought in the instant proceeding;

(E) Determine the cost of any reasonable child care costs incurred by the custodial parent due to employment or specific job training, less any available federal income tax credit, and add to the basic support obligation. Child care costs shall be deemed reasonable if they do not exceed the maximum amount the Division of Family Services pays a daycare services provider in the county in which the child(ren) resides, and any amount claimed in excess will not be credited;

(F) Determine any amount actually paid by either parent, or deducted from either parent's paycheck, on a monthly basis for health insurance benefits for the child(ren) subject to the order. If the portion of the premium actually attributable to the child(ren) subject to the order is not available or cannot be verified, the total monthly cost of the premium will be divided by the total number of persons covered by the policy and then multiplied by the number of children covered by the policy who are subject to the order;

(G) Determine the amount of any extraordinary uninsured medical expenses for the child(ren) subject to the order. An uninsured medical expense will be deemed extraordinary if it exceeds one hundred dollars (\$100) for a single occurrence and if the condition will exist for at least one (1) year. These expenses include, but are not limited to, costs that are reasonably necessary for dental treatment, asthma treatment, physical therapy, professional counseling or psychiatric therapy and any other long-term health problem;

(H) Determine each parent's share of the preliminary child support obligation by multiplying the preliminary child support obligation by each parent's proportionate share of their combined adjusted income. The noncustodial parent's share will be his/her basic child support obligation. The custodial parent shall be presumed to spend his/her share directly on the child(ren);

(I) Determine the monthly amount the noncustodial parent pays for health insurance for the child(ren) subject to the order, if any. Prorate an annual or semiannual amount to a monthly amount if necessary. If the exact amount attributable to the child(ren) subject to the order cannot be determined, divide the amount of the monthly insurance payment by the number of persons covered by the amount and multiply the result by the number of children subject to the order; and

(J) Determine the noncustodial parent's total presumed child support obligation by computing the sum of the noncustodial parent's basic child support obligation and any adjustments made under subsections (2)(E)—

(H) and subtracting any adjustment made under subsection (2)(I).

(3) Rebuttable Presumption. The presumption is that the amount of child support as calculated in subsections (2)(A)—(J) is the amount of child support to be awarded in any administrative proceeding for child support. This presumption can be rebutted in a particular case if the director enters in the case a written finding that the amount so calculated, after consideration of all relevant factors, is unjust or inappropriate. In addition the director must state the child support amount determined under subsections (2)(A)—(J) and how the ordered amount varies from the presumed amount.

(A) Relevant factors for consideration to rebut the presumption are—

1. The financial resources and needs of the child;
2. The financial resources and needs of the parents;
3. The standard of living the child would have enjoyed had the marriage not been dissolved;
4. The physical and emotional condition of the child; and
5. The educational needs of the child.

(B) The director may rebut the presumed child support amount determined under subsections (2)(A)—(J), if s/he makes a finding that one (1) of the following circumstances exist which makes the guidelines amount unjust and inappropriate:

1. A child of the order has other income available that is not derived from the child's special needs;
2. A parent has significant, extraordinary medical expenses for him/herself or for a relative by blood or marriage other than a child of the order;
3. A parent is under a Chapter 13 bankruptcy plan;
4. The Division of Family Services has determined in a foster care case that the presumed child support amount is not in the best interest of the child;
5. The parents' combined income is more than the maximum income shown in Table I.

6. The noncustodial parent's share of the presumed child support amount plus the average of the noncustodial parent's verified expenses for rent or mortgage payment, electricity, natural or propane gas, water and basic telephone service for the six (6)-month period preceding the review (or fifty percent (50%) of that average expense if the noncustodial parent has a current spouse residing with him/her who is employed or is capable of being employed), equals sixty percent

(60%) or more of the noncustodial parent's monthly gross income;

7. The custodial parent's share of the presumed child support amount plus the average of his/her expenses for rent or mortgage payment, electricity, natural or propane gas, water and basic telephone service (or fifty percent (50%) of that average expense if the custodial parent has a current spouse residing with him/her who is employed or is capable of being employed), minus the noncustodial parent's presumed child support amount, equals sixty percent (60%) or more of the custodial parent's monthly gross income;

8. The noncustodial parent's monthly gross income is seven hundred dollars (\$700) or less and the custodial parent's monthly gross income is one dollar (\$1) or more (actual or imputed); or

9. In a modification review pursuant to 13 CSR 30-5.020 if the parent is providing custodial care to his/her natural or adopted child(ren) not subject to the order being reviewed, the child(ren) was/were considered in the adjustment of gross income when the original child support obligation was established, and no child support order exists for the children.

(C) The director may adjust the presumed child support amount determined under subsections (2)(A)—(J) as follows:

1. When s/he makes a finding that any of the circumstances in paragraphs (3)(B)1.—7. exist, the director may adjust the presumed child support amount by no more than twenty-five percent (25%) upward or downward;

2. When s/he makes a finding that the circumstance in paragraph (3)(B)8. exists, the director may set the child support amount at twenty dollars (\$20) per month if the noncustodial parent's income is three hundred dollars (\$300) per month or less, or set the child support amount at fifty dollars (\$50) per month if the noncustodial parent's income is three hundred and one dollars to seven hundred dollars (\$301—\$700) per month; or

3. When s/he makes a finding that the circumstances in paragraph (3)(B)9. exist, the director may adjust the gross income of the parent determined under subsection (2)(A) by reducing his/her gross income by the amount of child support s/he would be ordered to pay under this rule for the number of children in his/her custody and set the child support amount pursuant to subsections (2)(C)—(J).

AUTHORITY: section 454.400, RSMo (1994). Original rule filed Feb. 2, 1988, effective April 11, 1988. Emergency amendment filed Dec. 13, 1989, effective Dec. 23, 1989, expired April 11, 1990. Emergency amendment*

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**Original authority 1982, amended 1985, 1986, 1990, 1993.*

TABLE I
Missouri Child Support Guideline Schedule of Basic Child Support Obligations

Combined Gross Monthly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
300.00 or less	20	20	20	20	20	20
301.00 to						
700.00	50	50	50	50	50	50
750.00	74	75	76	77	77	78
800.00	108	109	110	111	112	114
850.00	141	143	144	146	147	149
900.00	174	176	178	180	182	184
950.00	198	210	212	215	217	219
1000.00	207	244	246	249	252	254
1050.00	216	277	280	283	286	289
1100.00	225	310	314	317	321	324
1150.00	233	340	347	351	355	359
1200.00	242	353	381	385	389	393
1250.00	251	366	414	419	423	428
1300.00	259	378	447	452	457	462
1350.00	267	389	461	486	491	496
1400.00	275	401	474	520	525	531
1450.00	283	413	488	539	559	565
1500.00	291	424	502	554	593	599
1550.00	299	436	515	569	617	634
1600.00	308	447	529	584	633	668
1650.00	316	459	542	599	650	695
1700.00	324	471	556	614	666	713
1750.00	332	482	570	629	682	730
1800.00	340	494	583	644	699	747
1850.00	348	505	597	659	715	765
1900.00	356	517	611	675	732	783
1950.00	364	529	625	690	748	801
2000.00	373	541	639	706	765	819
2050.00	381	553	653	721	782	837
2100.00	389	565	667	737	799	855
2150.00	398	577	681	752	816	873
2200.00	406	589	695	768	832	891
2250.00	414	601	709	783	849	909
2300.00	423	613	723	799	866	927
2350.00	431	625	737	814	883	944
2400.00	438	635	748	827	897	959
2450.00	445	645	760	840	910	974
2500.00	452	655	771	852	924	989
2550.00	458	664	783	865	937	1003
2600.00	465	674	794	877	951	1018
2650.00	472	684	805	890	965	1032
2700.00	479	694	817	902	978	1047
2750.00	486	703	828	915	992	1061
2800.00	492	713	839	927	1005	1076
2850.00	499	723	851	940	1019	1090
2900.00	506	732	862	952	1032	1105
2950.00	513	742	873	965	1046	1119
3000.00	519	752	885	977	1060	1134
3050.00	526	761	896	990	1073	1148
3100.00	533	771	907	1003	1087	1163
3150.00	539	779	917	1013	1098	1175
3200.00	543	786	925	1022	1107	1185
3250.00	548	792	932	1030	1117	1195
3300.00	552	799	940	1039	1126	1205
3350.00	557	805	948	1047	1135	1215



Schedule of Basic Child Support Obligations

Combined Gross Monthly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
3400.00	561	812	955	1056	1144	1224
3450.00	565	818	963	1064	1153	1234
3500.00	570	825	971	1073	1163	1244
3550.00	574	831	978	1081	1172	1254
3600.00	579	838	986	1090	1181	1264
3650.00	583	844	994	1098	1190	1274
3700.00	588	851	1001	1107	1200	1283
3750.00	592	857	1009	1115	1209	1293
3800.00	597	864	1017	1124	1218	1303
3850.00	600	869	1023	1130	1225	1311
3900.00	604	873	1028	1136	1231	1317
3950.00	607	878	1033	1141	1237	1324
4000.00	610	882	1038	1147	1243	1330
4050.00	613	887	1043	1152	1249	1337
4100.00	617	891	1048	1158	1255	1343
4150.00	620	896	1053	1163	1261	1349
4200.00	623	900	1058	1169	1267	1356
4250.00	627	905	1063	1175	1273	1362
4300.00	630	909	1068	1180	1279	1369
4350.00	633	914	1073	1186	1285	1375
4400.00	636	918	1078	1191	1291	1382
4450.00	640	923	1083	1197	1297	1388
4500.00	643	927	1088	1202	1303	1394
4550.00	646	932	1093	1208	1309	1401
4600.00	649	936	1098	1214	1316	1408
4650.00	653	941	1104	1220	1322	1415
4700.00	656	945	1109	1226	1329	1422
4750.00	659	950	1115	1232	1335	1428
4800.00	662	955	1120	1237	1341	1435
4850.00	666	960	1126	1244	1349	1443
4900.00	669	965	1132	1251	1356	1451
4950.00	673	970	1138	1257	1363	1458
5000.00	676	975	1144	1264	1370	1466
5050.00	680	980	1150	1270	1377	1473
5100.00	683	985	1156	1277	1384	1481
5150.00	687	990	1161	1283	1391	1489
5200.00	691	995	1167	1290	1398	1496
5250.00	696	1002	1176	1299	1408	1507
5300.00	701	1010	1184	1308	1418	1517
5350.00	706	1017	1192	1317	1428	1528
5400.00	711	1024	1200	1326	1438	1538
5450.00	716	1031	1209	1335	1448	1549
5500.00	721	1038	1217	1345	1458	1560
5550.00	726	1045	1225	1354	1467	1570
5600.00	731	1052	1233	1363	1477	1581
5650.00	736	1059	1242	1372	1487	1591
5700.00	741	1067	1250	1381	1497	1602
5750.00	746	1074	1258	1390	1507	1612
5800.00	751	1081	1266	1399	1517	1623
5850.00	756	1088	1275	1408	1527	1633
5900.00	760	1095	1282	1417	1536	1643
5950.00	765	1101	1290	1426	1545	1653
6000.00	770	1108	1298	1434	1555	1663
6050.00	774	1115	1306	1443	1564	1673
6100.00	779	1121	1313	1451	1573	1683
6150.00	784	1128	1321	1460	1583	1693

Schedule of Basic Child Support Obligations

Combined Gross Monthly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
6200.00	788	1135	1329	1468	1592	1703
6250.00	793	1141	1337	1477	1601	1713
6300.00	798	1148	1344	1486	1610	1723
6350.00	802	1155	1352	1494	1620	1733
6400.00	807	1161	1360	1503	1629	1743
6450.00	812	1168	1368	1511	1638	1753
6500.00	816	1175	1376	1520	1648	1763
6550.00	821	1182	1383	1529	1657	1773
6600.00	826	1188	1391	1537	1666	1783
6650.00	830	1195	1399	1546	1676	1793
6700.00	835	1202	1407	1554	1685	1803
6750.00	840	1208	1414	1563	1694	1813
6800.00	844	1215	1422	1571	1703	1823
6850.00	849	1222	1430	1580	1713	1833
6900.00	853	1228	1437	1588	1721	1842
6950.00	858	1234	1444	1596	1730	1851
7000.00	862	1240	1452	1604	1739	1861
7050.00	866	1247	1459	1612	1748	1870
7100.00	871	1253	1466	1620	1756	1879
7150.00	875	1259	1474	1628	1765	1889
7200.00	880	1265	1481	1636	1774	1898
7250.00	884	1271	1488	1644	1783	1907
7300.00	888	1278	1495	1652	1791	1917
7350.00	893	1284	1503	1660	1800	1926
7400.00	897	1290	1510	1669	1809	1935
7450.00	901	1296	1517	1677	1817	1945
7500.00	906	1303	1525	1685	1826	1954
7550.00	910	1309	1532	1693	1835	1963
7600.00	914	1315	1539	1701	1844	1973
7650.00	919	1321	1546	1709	1852	1982
7700.00	923	1328	1554	1717	1861	1991
7750.00	927	1334	1561	1725	1870	2001
7800.00	932	1340	1568	1733	1878	2010
7850.00	936	1346	1576	1741	1887	2019
7900.00	940	1353	1583	1749	1896	2029
7950.00	945	1359	1590	1757	1905	2038
8000.00	949	1365	1597	1765	1913	2047
8050.00	953	1371	1605	1773	1922	2057
8100.00	958	1378	1612	1781	1931	2066
8150.00	962	1384	1619	1789	1940	2075
8200.00	966	1390	1627	1798	1949	2086
8250.00	971	1397	1635	1807	1959	2096
8300.00	975	1404	1643	1816	1968	2106
8350.00	980	1410	1652	1825	1978	2117
8400.00	984	1417	1660	1834	1988	2127
8450.00	989	1424	1668	1843	1998	2137
8500.00	993	1430	1676	1852	2007	2148
8550.00	998	1437	1684	1861	2017	2158
8600.00	1002	1444	1692	1870	2027	2169
8650.00	1007	1450	1700	1879	2036	2179
8700.00	1011	1457	1708	1888	2046	2189
8750.00	1016	1464	1716	1897	2056	2200
8800.00	1020	1470	1724	1905	2066	2210
8850.00	1025	1477	1732	1914	2075	2220
8900.00	1029	1484	1741	1923	2085	2231
8950.00	1034	1490	1749	1932	2095	2241



Schedule of Basic Child Support Obligations

Combined Gross Monthly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
9000.00	1038	1497	1757	1941	2104	2252
9050.00	1043	1504	1765	1950	2114	2262
9100.00	1047	1510	1773	1959	2124	2272
9150.00	1052	1517	1781	1968	2133	2283
9200.00	1056	1524	1789	1977	2143	2293
9250.00	1061	1530	1797	1986	2153	2304
9300.00	1065	1537	1805	1995	2163	2314
9350.00	1070	1544	1813	2004	2172	2324
9400.00	1074	1550	1822	2013	2182	2335
9450.00	1079	1557	1830	2022	2192	2345
9500.00	1082	1562	1835	2028	2198	2352
9550.00	1084	1564	1838	2031	2202	2356
9600.00	1085	1567	1842	2035	2206	2360
9650.00	1087	1570	1845	2038	2210	2364
9700.00	1089	1573	1848	2042	2214	2369
9750.00	1093	1578	1854	2049	2221	2377
9800.00	1091	1575	1851	2046	2217	2313
9850.00	1095	1581	1858	2053	2225	2381
9900.00	1097	1584	1861	2056	2229	2385
9950.00	1099	1586	1864	2060	2233	2389
10000.00	1101	1589	1867	2063	2237	2393
10050.00	1103	1592	1871	2067	2241	2397
10100.00	1104	1595	1874	2071	2244	2402
10150.00	1106	1597	1877	2074	2248	2406
10200.00	1108	1600	1880	2078	2252	2410
10250.00	1110	1603	1883	2081	2256	2414
10300.00	1112	1606	1887	2085	2260	2418
10350.00	1114	1608	1890	2088	2264	2422
10400.00	1116	1611	1893	2092	2268	2426
10450.00	1118	1614	1896	2096	2272	2431
10500.00	1120	1617	1900	2099	2275	2435
10550.00	1122	1619	1903	2103	2279	2439
10600.00	1123	1622	1906	2106	2283	2443
10650.00	1125	1625	1909	2110	2287	2447
10700.00	1127	1628	1913	2113	2291	2451
10750.00	1129	1630	1916	2117	2295	2455
10800.00	1132	1634	1920	2122	2300	2461
10850.00	1136	1640	1927	2129	2308	2470
10900.00	1140	1646	1934	2137	2316	2479
10950.00	1144	1652	1941	2145	2325	2488
11000.00	1148	1657	1948	2152	2333	2497
11050.00	1152	1663	1955	2160	2342	2505
11100.00	1156	1669	1962	2168	2350	2514
11150.00	1160	1675	1969	2176	2358	2523
11200.00	1164	1681	1976	2183	2367	2532
11250.00	1168	1687	1983	2191	2375	2541
11300.00	1172	1693	1990	2199	2384	2550
11350.00	1176	1699	1997	2207	2392	2560
11400.00	1180	1705	2004	2215	2401	2569
11450.00	1184	1711	2011	2223	2409	2578
11500.00	1188	1717	2018	2230	2418	2587
11550.00	1192	1723	2026	2238	2426	2596
11600.00	1196	1729	2033	2246	2435	2605
11650.00	1201	1735	2040	2254	2443	2614
11700.00	1205	1741	2047	2262	2452	2624
11750.00	1209	1747	2054	2270	2461	2633

Schedule of Basic Child Support Obligations

Combined Gross Monthly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
11800.00	1213	1753	2061	2278	2469	2642
11850.00	1217	1759	2068	2286	2478	2651
11900.00	1221	1765	2076	2294	2486	2660
11950.00	1225	1771	2083	2301	2495	2669
12000.00	1229	1776	2090	2309	2503	2678
12050.00	1233	1782	2097	2317	2512	2688
12100.00	1238	1788	2104	2325	2520	2697
12150.00	1242	1794	2111	2333	2529	2706
12200.00	1246	1800	2118	2341	2537	2715
12250.00	1250	1806	2126	2349	2546	2724
12300.00	1254	1812	2133	2357	2555	2733
12350.00	1258	1818	2140	2365	2563	2743
12400.00	1262	1824	2147	2372	2572	2752
12450.00	1266	1830	2154	2380	2580	2761
12500.00	1270	1836	2161	2388	2589	2770
12550.00	1274	1842	2168	2396	2597	2779
12600.00	1279	1848	2176	2404	2606	2788
12650.00	1283	1854	2183	2412	2614	2797
12700.00	1287	1860	2190	2420	2623	2807
12750.00	1290	1865	2196	2426	2630	2814
12800.00	1293	1870	2201	2432	2636	2821
12850.00	1296	1874	2206	2438	2642	2827
12900.00	1299	1878	2211	2443	2648	2834
12950.00	1302	1882	2216	2449	2654	2840
13000.00	1305	1886	2221	2454	2660	2847
13050.00	1308	1891	2226	2460	2666	2853
13100.00	1310	1895	2231	2465	2672	2859
13150.00	1313	1899	2236	2471	2678	2866
13200.00	1316	1903	2241	2476	2684	2872
13250.00	1319	1908	2246	2482	2691	2879
13300.00	1322	1912	2251	2488	2697	2885
13350.00	1325	1916	2256	2493	2703	2892
13400.00	1328	1920	2261	2499	2709	2898
13450.00	1331	1924	2266	2504	2715	2905
13500.00	1334	1929	2271	2510	2721	2911
13550.00	1336	1933	2276	2515	2727	2918
13600.00	1339	1937	2281	2521	2733	2924
13650.00	1342	1941	2286	2527	2739	2930
13700.00	1345	1946	2291	2532	2745	2937
13750.00	1348	1950	2297	2538	2751	2943
13800.00	1351	1954	2302	2543	2757	2950
13850.00	1354	1958	2307	2549	2763	2956
13900.00	1357	1962	2312	2554	2769	2963
13950.00	1359	1967	2317	2560	2775	2969
14000.00	1362	1971	2322	2565	2781	2976
14050.00	1365	1975	2327	2571	2787	2982
14100.00	1368	1979	2332	2577	2793	2989
14150.00	1371	1983	2337	2582	2799	2995
14200.00	1374	1988	2342	2588	2805	3001
14250.00	1380	1996	2352	2599	2817	3014
14300.00	1377	1992	2347	2593	2811	3008
14350.00	1383	2000	2357	2604	2823	3021
14400.00	1385	2005	2362	2610	2829	3027
14450.00	1388	2009	2367	2616	2835	3034
14500.00	1391	2013	2372	2621	2841	3040
14550.00	1394	2017	2377	2627	2847	3047



Schedule of Basic Child Support Obligations

Combined Gross Monthly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
14600.00	1397	2021	2382	2632	2853	3053
14650.00	1400	2026	2387	2638	2859	3059
14700.00	1403	2030	2392	2643	2865	3066
14750.00	1406	2034	2397	2649	2871	3072
14800.00	1408	2038	2402	2654	2877	3079
14850.00	1411	2043	2407	2660	2883	3085
14900.00	1414	2047	2412	2666	2889	3092
14950.00	1417	2051	2417	2671	2895	3098
15000.00	1420	2055	2422	2677	2902	3105

13 CSR 30-5.020 Review and Modification of Child Support Orders

PURPOSE: This rule sets forth the Division of Child Support Enforcement's procedures for review and modification of existing child support orders in accordance with sections 454.400, RSMo and 454.500, RSMo and 42 U.S.C. 666.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) Definitions. As used in this rule—

(A) Administrative order means a child support order established through the administrative process in accordance with sections 454.470—454.520, RSMo;

(B) Aid to Families with Dependent Children (AFDC) case means a case in which a parent has assigned to the state his/her rights to support as a condition of eligibility for public assistance under Title IV-A of the Social Security Act;

(C) Division means the Missouri Division of Child Support Enforcement;

(D) Interstate case means a case in which one (1) or both of the parties subject to a child support order do not reside in Missouri;

(E) Medicaid case means a case in which a parent has assigned to the state his/her rights to medical support to receive public assistance, but has not assigned to the state his/her rights to child support;

(F) Parent means the obligated parent or the custodial parent or caretaker who is receiving child support enforcement services; and

(G) Review means an objective evaluation of complete, accurate, up-to-date information necessary for application of the child support guidelines and criteria for support set forth in Missouri Supreme Court Rule 88.01.

(2) Review.

(A) Any child support obligation being enforced by the division shall be reviewed by the division at its own request, or at the request of the child support agency of another state, or upon the written request of either parent subject to the order.

(B) The division shall review the following cases, at its own request, no less frequently than once every thirty-six (36) months from

the date the order was established, last reviewed or modified:

1. AFDC cases with child support orders; and

2. Medicaid cases with child support orders that lack medical support provisions.

(C) The division shall review the support order to determine the amount of difference between the ordered amount and a proposed amount calculated on current financial information in accordance with the guidelines and criteria for support set forth in Missouri Supreme Court Rule 88.01.

(D) The division will seek a modification if the review indicates that one (1), or both, of the following conditions exist:

1. The case meets the modification threshold requirements of section 452.370 or 454.500, RSMo; or

2. The child support obligation does not contain a provision for health insurance coverage by the obligated parent and the children are not covered under a health benefit plan, other than Medicaid, by the custodial parent.

(E) A review shall be conducted no less frequently than once every thirty-six (36) months from the date the order was established, last reviewed or modified, or the date a review terminated pursuant to subsection (7)(B) of this rule, when the review is being conducted at the request of either parent. A review may be conducted earlier than thirty-six (36) months at the request of a parent, or the division in an AFDC or Medicaid case, if—

1. A child should be added to an administrative order;

2. A child should be removed from a general order, whether administrative or judicial;

3. The requesting party submits information that shows, or a sworn statement that alleges, there has been a fifty percent (50%) or more change in income of either party to the order, and the division determines that the circumstances that caused the change have existed for at least three (3) months, and that it is reasonably likely they will remain unchanged for another six (6) months or longer;

4. A health insurance provision should be added to an administrative or judicial order; or

5. A child support obligation should be added to an administrative or judicial order and—

A. The order only addresses a health insurance obligation; or

B. The order specifically states that no child support is ordered; or

C. The court specifically reserved or retained jurisdiction of the child support issue in the order.

(3) Notices.

(A) The division shall notify, in writing, each parent subject to a child support order—

1. Of the right to request a review of the order;

2. Of any proposed review at least thirty (30) calendar days before commencement of review; and

3. Of the proposed modification (or determination that there should be no change) in the order, and of his/her right to initiate proceedings to challenge the modification or determination within thirty (30) calendar days after notification.

(B) Paragraph (3)(A)1. of this rule shall become effective on October 1, 1993.

(C) The division shall mail all notices required in this section to the last-known address of each parent subject to a child support order, except that the division can provide the notice required by paragraph (3)(A)1. of this rule either by sending a one (1)-time mailing or by including the notice in the child support order.

(4) Financial Information.

(A) Both parents subject to the order to be reviewed shall provide financial information and verification of income within ten (10) calendar days after the date the division mails a written request for the information. Documents verifying income shall include, but not be limited to, the following: copies of federal and state income tax returns, W-2 statements, pay stubs or a signed statement from an employer or other source of income. If the division is unable to obtain financial information concerning the nonrequesting parent, it may request the other parent to provide the financial information if that parent is able to do so.

(B) The division may use all other resources normally accessed to obtain the parents' financial information.

(5) Best Interests of the Child. If the custodial parent or caretaker has assigned his/her support rights as a recipient of benefits under the AFDC, alternative care or Medicaid programs, and the Division of Family Services has made a finding of good cause and determined that support enforcement may not proceed without risk, a review of the support order will not be considered in the best interests of the child and the review will not be conducted unless one (1) of the parents requests the review.

(6) Denying Requests.

(A) A request for review by a parent subject to the order may be denied for the following reasons:

1. The location of the nonrequesting parent is unknown at the time the request is made;
2. It has been less than thirty-six (36) months since the entry date of the support order or most recent modification, or last completed review, whichever is later, or it has been less than thirty-six (36) months since a review or modification action was terminated pursuant to subsection (7)(B) of this rule. However, a review may be conducted earlier than thirty-six (36) months if the case meets criteria for earlier review set forth in subsection (2)(E) of this rule;
3. The division is not providing services with respect to the order for which the review has been requested;
4. The request is for the purpose of modifying custody or visitation rights;
5. The request is for the sole purpose of modifying the amount of delinquent support that has accrued under a support order;
6. The request is for the purpose of modifying the amount of spousal support under a support order; and
7. The request is for the review of a temporary support order.

(B) A request for review of an order in an interstate case may be denied if—

1. Neither party of the order resides in Missouri and the division is not enforcing the order; or
2. The order is not filed with a Missouri court.

(7) Withdrawing Requests.

(A) The division will consider the written withdrawal of the parent who requested a review pursuant to subsection (2)(E) of this rule if the withdrawal is submitted after the division acknowledged the request for review, but no later than—

1. Thirty (30) calendar days after service of process is achieved on a motion to modify filed pursuant to sections 454.496 and 454.500, RSMo, if neither party requested an administrative hearing; or
2. The date of the administrative hearing if either party requested an administrative hearing within thirty (30) calendar days after service of process was achieved on a motion to modify filed pursuant to sections 454.496 and 454.500, RSMo.

(B) Upon receiving a withdrawal pursuant to subsection (7)(A) of this rule, the division will notify the nonrequesting parent of the withdrawal. The nonrequesting parent will have ten (10) calendar days from the date of notice to contact the division in writing—

1. If the nonrequesting parent protests the withdrawal, the division will notify the requesting parent of the protest and will continue the review or modification of the order; or

2. If the nonrequesting parent agrees to the withdrawal, either in writing or by his/her failure to contact the division in writing within ten (10) calendar days, the division will terminate all actions to review or modify the order.

(C) If the division terminates a review or modification action pursuant to subsection (7)(B) of this rule, the division will not accept from either parent a request to review the order earlier than thirty-six (36) months from the date the action was terminated, unless the case meets criteria for earlier review set forth in subsection (2)(E) of this rule.

(8) Modifications.

(A) For modification of an administrative order—

1. The division shall inform the obligated parent of the review results and obtain a consent order for the new terms; or
2. The obligated parent, custodial parent or caretaker, or the division may file a motion to modify pursuant to section 454.500, RSMo.

(B) For modification of a judicial order—

1. The division shall serve the obligee and the obligor with a motion to modify pursuant to section 454.496, RSMo; or
2. The division, at its discretion may refer the case to the prosecuting attorney in the county that issued the order or to another attorney under contract to the division to petition the court for a modification of the order.

Dec. 13, 1993, effective July 30, 1994. Emergency amendment filed May 26, 1994, effective June 5, 1994, expired Oct. 2, 1994. Amended: Filed May 26, 1994, effective Nov. 30, 1994. Amended: Filed June 15, 1995, effective Dec. 30, 1995. Amended: Filed Nov. 30, 1995, effective May 30, 1996.

** Original authority 1982, amended 1985, 1986, 1990, 1993.*

*AUTHORITY: section 454.400, RSMo (1994). * Original rule filed Dec. 24, 1990, effective June 10, 1991. Emergency amendment filed Dec. 2, 1991, effective Dec. 16, 1991, expired April 13, 1992. Amended: Filed Dec. 2, 1991, effective April 9, 1992. Emergency amendment filed May 14, 1993, effective May 24, 1993, expired Sept. 20, 1993. Emergency amendment filed July 28, 1993, effective Sept. 21, 1993, expired Jan. 18, 1994. Amended: Filed May 14, 1993, effective Nov. 8, 1993. Emergency amendment filed Dec. 13, 1993, effective Dec. 23, 1993, expired April 21, 1994. Emergency amendment filed April 11, 1994, effective April 21, 1994, expired Aug. 18, 1994. Emergency amendment filed May 26, 1994, effective June 6, 1994, expired Oct. 2, 1994. Amended: Filed*